

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

LEONARD DAVIS,

Plaintiff,

v.

CIVIL ACTION NO. 3:03-2288

R L. BROWNLEE, Acting Secretary,
Department of the Army,

Defendant.


ORDER

This action was referred to the Honorable Maurice G. Taylor, Jr., United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Defendant's motion to dismiss be granted and that this action be dismissed with prejudice. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Defendant's motion to dismiss and **DISMISSES** this action, with prejudice, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Taylor, counsel of record, and any unrepresented parties.

ENTER: March 28, 2006


ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE